

To: "Nepstad, Michael G SPK" [Michael.G.Nepstad@usace.army.mil]
Cc: CN=Tom Hagler/OU=R9/O=USEPA/C=US@EPA;CN=Karen Schwinn/OU=R9/O=USEPA/C=US@EPA[]; N=Karen Schwinn/OU=R9/O=USEPA/C=US@EPA[]
Bcc: []
From: CN=Erin Foresman/OU=R9/O=USEPA/C=US
Sent: Thur 7/5/2012 6:14:20 PM
Subject: Re: FW: A draft of the Preliminary Overall purpose statement for CM1 of BDCP (UNCLASSIFIED)
[Proposed Purpose and Need for CM1 02 July 2012 enos.docx](#)
[Purpose Statement 404Q Decisions DOA.xlsx](#)
[Proposed Purpose and Need for CM1 02 July 2012 enos EPA review.docx](#)

Hi Mike,

Thank you for your coordination with EPA and sharing DWR's overall project purpose proposal with us. I made a recommendation in red-line strike-out, see attached.

EPA recommends removing the phrase "the construction of new diversion facilities in the north Delta" because it restricts the Delta Conveyance alternatives considered in the CWA Section 404(b)(1) alternatives analysis to those that include new points of diversion. We understand that the EIS is evaluating an alternative that does not include new points of diversion. Our recommended adjustment is consistent with Corps of Engineers Standard Operating Procedures and Department of Army CWA 404Q MOA decisions, see attached.

"The overall project purpose should be specific enough to define the applicant's needs, but not so restrictive as to constrain the range of alternatives that must be considered under the 404(b)(1) Guidelines." 2009 Standard Operating Procedures for the U.S. Army Corps of Engineers Regulatory Program.

I will also note that the purpose statement relies in part on the phrase "Water Operations and Conveyance Conservation Measure 1" which we understand to have fluid definition, changing with recent discussions between DWR and others. Is there a good reason to use this term in the overall project purpose statement when we don't know what it refers to yet? A few months ago it referred to a project with 5 new intake structures and two 15K CFS capacity tunnels but now we know that is changing to potentially 3 new intake structures with 9K CFS tunnel capacity. I've not seen that written down by DWR or CA Natural Resources Agency. I'm trying to understand why the Corps is comfortable completing this concurrence point before you know how DWR is going to define "Water Operations and Conveyance Conservation Measure 1."

Thanks again and let me know if you have any questions.
Erin

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<http://www.epa.gov/sfbaydelta>

I work a part time schedule (M 7:30a - 4:00p, T - F 7:30 - 2:00p)

From: "Nepstad, Michael G SPK" <Michael.G.Nepstad@usace.army.mil>
To: Erin Foresman/R9/USEPA/US@EPA, Tom Hagler/R9/USEPA/US@EPA,
Date: 07/03/2012 02:00 PM
Subject: FW: A draft of the Preliminary Overall purpose statement for CM1 of BDCP (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Here's DWR edits

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-----Original Message-----

From: Enos, Cassandra [mailto:cenos@water.ca.gov]
Sent: Tuesday, July 03, 2012 1:49 PM
To: Nepstad, Michael G SPK
Cc: Marc Ebbin; Jewell, Michael S SPK
Subject: RE: A draft of the Preliminary Overall purpose statement for CM1 of BDCP (UNCLASSIFIED)

Mike - Attached are our minor edits to your preliminary overall purpose statement. I highlighted the areas where we changed the text. I think we are getting very close. Please let Marc and I know if you have any questions or comments. I will be out of the office the rest of the week but will be checking email. Have a great 4th. Cassandra

-----Original Message-----

From: Nepstad, Michael G SPK [mailto:Michael.G.Nepstad@usace.army.mil]
Sent: Tuesday, July 03, 2012 12:44 PM
To: Enos, Cassandra; 'Marc Ebbin'
Cc: Erin Foresman; Tom Hagler; 'Beggs, Barbara'; Idlof, Patricia S (Patti); michael.tucker@noaa.gov

Subject: A draft of the Preliminary Overall purpose statement for CM1 of BDCP (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Hi Cassandra and Mark,

As we've discussed, DWR sees as the next step a preliminary Overall purpose statement for the construction of new intakes, conveyance, and new project operations (Conservation measure 1) for the purpose of the processing of Corps permits under section 10 RHA/404 CWA. Late in June, we had agreed that we should meet in mid-July to discuss. Unfortunately Michael Jewell is out this week and family things have come up for me and I'll be out on leave and TDY until 1 August.

The Attached preliminary overall purpose statement is a discussion starter that Michael Jewell and I hurriedly came up with between his leave this week and my impending leave in the next three. It should be regarded as a starter statement, not our final draft.

I'd like to suggest that we (you both, me, EPA, and others) all have an email discussion and "reply all" on suggested edits and changes, so that by early August the Corps could set a statement as our official preliminary overall purpose statement for CM1.

I've cc'd EPA to help speed things up. I've also CC'd the lead Fed agencies as a courtesy notification. If Reclamation, NMFS and/or FWS say they have no comments, let's leave them off further emails of this discussion so we don't clog up their in-boxes.

I will be checking my email/replying intermittently while on leave. If we get to a place where the process is done before I get back I'll work with Michael Jewell to get a statement finalized sooner.

Thanks

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